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6 Attorney for Plaintiff

7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA

9 DANIEL JOSEPH PRATT,)

10 Plaintiff)

11 v.)

12 KILOLO KIJAKAZI,)

13 Acting Commissioner of Social Security,)

14 Defendant)
15)
16)

No. 2:22-cv-2152 DB

**STIPULATION AND
ORDER FOR AWARD OF ATTORNEY'S
FEES UNDER THE EQUAL ACCESS TO
JUSTICE ACT (EAJA)**

17 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
18 subject to the approval of the Court, that Plaintiff shall be awarded attorney's fees under the Equal
19 Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount of FIFTEEN THOUSAND
20 dollars and ZERO cents (\$15,000.00). This amount represents compensation for all legal services
21 rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28
U.S.C. sec. 2412(d).

22 After the Court issues an order for payment of EAJA fees and expenses to Plaintiff, the
23 government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to
24 Plaintiff's attorney. The government's ability to honor the assignment will depend on whether the
25 fees and expenses are subject to an offset allowed under the United States Department of the
26 Treasury's Offset Program pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010). After the order of
27 EAJA fees and expenses is entered, the government will determine if they are subject to an offset. If
28 it is determined that Plaintiff's EAJA fees and expenses are not subject to an offset under Astrue v.
Ratliff, 130 S.Ct. 2521 (2010) and the Department of Treasury's Offset Program, then the check for

EAJA fees and expenses shall be made payable to Jacqueline A. Forslund, based upon Plaintiff's assignment of these amounts to Plaintiff's attorney. The parties agree that whether these checks are made payable to Plaintiff or Jacqueline A. Forslund, such checks shall be mailed to Plaintiff's attorney. This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's Counsel may have relating to EAJA attorney fees in connection with this action.

Respectfully submitted,

Date: December 21, 2023

JACQUELINE A. FORSLUND
Attorney at Law

/s/Jacqueline A. Forslund
JACQUELINE A. FORSLUND
Attorney for Plaintiff

Date: December 22, 2023

PHILLIP A. TALBERT
United States Attorney

/s/Michelle A. Pavelek
MICHELLE A. PAVELEK
Special Assistant United States Attorney
*By email authorization
Attorney for Defendant

ORDER

APPROVED AND SO ORDERED.

DATED: January 2, 2024

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE